

ENTERED

May 15, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

OSVALDO ENRIQUE SANCHEZ
Plaintiff

VS.

NANCY A. BERRILL,
ACTING COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION
Defendant

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CIVIL ACTION NO. 7:16-CV-30

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff's action pursuant to 42 U.S.C. § 405(g), which motion had been referred to the Magistrate Court for a report and recommendation. On March 31, 2017, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's Motion for Summary Judgment be denied, that Defendant's Cross Motion for Summary Judgment be granted and the Commissioner's final decision to deny benefits be affirmed. The time for filing objections has passed, and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment (Dkt. Entry No. 9) is **DENIED**, Defendant's Cross Motion for Summary Judgment (Dkt. Entry No. 11) is **GRANTED**, and the Commissioner's final decision to deny

¹As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Services Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996)(quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. April 2, 2012).

benefits is **AFFIRMED**.

SO ORDERED this 15th day of May, 2017, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane", written over a horizontal line.

Randy Crane
United States District Judge